



**Dated: December 23, 2008**  
**The following is SO ORDERED:**

  
George W. Emerson, Jr.  
UNITED STATES BANKRUPTCY JUDGE

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE

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In re

PHODAY PHATTEY

Case No. **08-31929**  
Chapter 7

**Debtor(s).**

(Last 4 digits of SS # 4055 H)  
(Last 4 digits of SS#          (W)

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**ORDER STAYING WAGE GARNISHMENTS COMBINED WITH RELATED ORDERS  
AND NOTICE OF THE ENTRY THEREOF**

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Based on the signature-certificate of the undersigned attorney for the debtor(s) and the entire case record as a whole, it appearing to the court that heretofore the above-named debtor(s) filed an original petition under Chapter 7 of the Bankruptcy Code; that pursuant to 11 U.S.C. § 362 (a)(1)-(8) the mere filing of the Chapter 7 petition generally operates as an automatic injunction stopping, among other things, wage garnishments against existing and future wages of the debtor(s); that by virtue of 11 U.S.C. § 541(a)(1) the commencement of this case created an estate consisting generally of all the legal or equitable interests of the debtor(s) in property, wherever located and by whomever held, including the subject wages under garnishment; that pursuant to 28 U.S.C. §§ 1334(e) and 157(a), this Court has exclusive jurisdiction of all of the property, wherever located, of the debtor(s) as of the commencement of this case, and of property of the estate; that the debtor(s) has listed the subject wages under garnishment in Schedule B-4 as exempt under 11 U.S.C. § 522 and TENNESSEE CODE ANNOTATED §§ 26-2-101 et seq.; that by virtue of Bankr. Rule 4003(b) any creditor (or the trustee) may file objections to the list of property claimed as exempt within the time fixed by the rule; and that at this time the Debtor(s) through counsel seeks, pursuant to 11 U.S.C. §§ 542(a) and 105(a), a delivery or turnover of such wages under garnishment. The signature of the Debtor(s)' attorney constitutes a certificate that the garnishment funds subject to turnover are claimed as exempt by the debtor(s) in Schedule B-4.

**Based on the forgoing, the case record as a whole, and applicable law:**

1. Wage garnishments against the property of this estate are hereby stayed by operation of law.
2. An entity (for example, an employer or clerk of court) in possession, custody, or control, during the case, of wages under garnishment claimed as exempt by the debtor(s) may deliver or turnover to the debtor(s) or the attorney(s) for the debtor(s) such

property. The trustee or any creditor may file objections to the claimed exemptions in accordance with FED. R. BANKR. P. 4003(b).

3. This order concerning delivery or turnover of wages under garnishment is being entered without legal prejudice to any creditor, trustee or other party in interest to file and serve a written objection combined with a request for a formal hearing if made within ten (10) days from the transmittal of a copy of this Order and Notice.

4. The debtor(s) or the attorney(s) for the debtor(s) is directed to immediately transmit copies of this order in compliance with L.B.R. 9013-1 of this Court, to all relevant interested parties that have not been served electronically by the Bankruptcy Noticing Center [for example, the garnishing creditor(s) and/or attorney(s) for garnishing creditor(s), Interim Chapter 7 Bankruptcy Trustee, employer(s), affected clerks of the court, along with the case/or docket number(s) of the State or Federal non-bankruptcy lawsuit]<sup>1</sup> and thereafter shall promptly file with the Clerk of this Court a certificate of service of this Order (Local Form 7).

Address/BARID/Telephone Number

Attorney Signature

/s/ S. Jonathan Garrett  
S. Jonathan Garrett, 19389  
2600 Poplar Avenue, Suite 515  
Memphis, TN 38112  
901/323-3200

CERTIFICATE OF SERVICE

I, S. Jonathan Garrett, attorney for Debtor, certify that on this the 23<sup>rd</sup> day of December, 2008, have delivered the foregoing Order Staying Wage Garnishments via facsimile, email, hand delivery, and or US Mail, postage prepaid, to the following entities:

Debtor  
Chapter 7 Trustee  
Creditor  
General Sessions Court Clerk

/s/ S. Jonathan Garrett  
S. Jonathan Garrett

**CACH, LLC**  
Plaintiff(Creditor)

**1244656**  
Case No.

**Shelby County General Sessions**  
Court